

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

AETNA, INC.,

Case No. 2:16-cv-01819-JAD-PAL

Plaintiff,

ORDER

v.

(2nd Mot WD - ECF No. 39)

ALL MARKET PRODUCTS & SERVICES,  
LLC, et al.,

Defendants.

Before the court is counsel for Defendants (1) All Market Product & Services, LLC; (2) Dental Club America, LLC; (3) Ryan Ousdahl; and (4) Andrew D. Ross' Second Unopposed Motion to Withdraw as Attorneys of Record (ECF No. 39). The motion indicates that notice was given to the clients and the file turned over to them on November 1, 2016 and that "withdrawal was effective on November 1, 2016." Additionally, all fees were refunded although substantial work was performed and fees were earned. The supporting declaration of counsel indicates that opposing counsel was advised and has no opposition to withdrawal.

LR IA 11-6(b) states that "[n]o attorney may withdraw after appearing in a case except by leave of court after notice has been served on the affected client and opposing counsel." Furthermore, a corporation cannot appear except through counsel. *See Rowland v. California Men's Colony*, 506 U.S. 194, 201-02 (1993); *United States v. High Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993). The Ninth Circuit has held that default judgment is an appropriate sanction for a corporation's failure to retain counsel for the duration of the litigation. *United States v. High Country Broadcasting*, 3 F.3d 1244, 1245 (9th Cir. 1993).

For good cause shown,

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1           **IT IS ORDERED** that:

2           1. Defense counsel's Second Unopposed Motion to Withdraw (ECF No. 39) is  
3           **GRANTED.**

4           2. Defendants Ryan Ousdahl and Andrew D. Ross shall have until **December 28, 2016**,  
5           in which to retain substitute counsel who shall make an appearance in accordance with  
6           the requirements of the Local Rules of Practice, or shall file a notice with the court that  
7           he will be appearing in this matter *pro se*, that is representing themselves.

8           3. Defendants' Ousdahl and Ross' failure to timely comply with this order by either  
9           obtaining substitute counsel, or filing a notice that they will be appearing in this matter  
10          *pro se* may result in the imposition of sanctions, which may include a recommendation  
11          to the District Judge for case ending sanctions such as default judgment.

12          4. Defendants All Market Products & Services, LLC and Dental Club America, LLC,  
13          shall have until **December 28, 2016**, in which to retain substitute counsel who shall  
14          make an appearance in accordance with the requirements of the Local Rules of Practice.

15          5. Defendants All Market Products & Services, LLC and Dental Club America, LLC's  
16          failure to timely comply with this order by obtaining substitute counsel may result in  
17          the imposition of sanctions, which may include a recommendation to the District Judge  
18          to the District Judge for case ending sanctions such as default judgment.

19          6. The Clerk of the Court shall serve the defendants with a copy of this order at their last  
20          known addresses:

21          All Market Products & Services, LLC  
22          1930 Village Center Circle, Suite 3-627  
23          Las Vegas, NV 89134

24          Dental Club America, LLC  
25          1930 Village Center Circle, Suite 3-627f  
26          Las Vegas, NV 89134

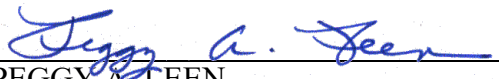
27          Ryan Ousdahl  
28          38150 Via Huerta  
                Monarch Beach, CA 92562

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1 Andrew D. Ross  
2 24040 Camino Del Avion A142  
3 Monarch Beachy, CA 92629

4 DATED this 28th day of November, 2016.

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6 PEGGY A. LEEN  
7 UNITED STATES MAGISTRATE JUDGE  
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